

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

EDWARD WUYSCIK, DENNIS	)	
WUYSCIK, THOMAS WUYSCIK, and	)	
LAURIE WUYSCIK, Individually and in	)	Civil Action No. 14-373
their capacities as Representatives and	)	
Beneficiaries of the Estate of NANCY	)	
WUYSCIK,	)	
	)	United States District Judge
Petitioners,	)	Arthur J. Schwab
	)	
v.	)	
	)	
UNITED STATES DEPARTMENT OF	)	
LABOR, DIVISION OF ENERGY	)	United States Magistrate Judge
EMPLOYEES OCCUPATIONAL	)	Cynthia Reed Eddy
ILLNESS COMPENSTATION,	)	
	)	
Respondent.	)	

**Order Adopting Report and Recommendation**

Before the Court is the Report and Recommendation of the magistrate judge (doc. no. 22) recommending that the Petition for Judicial Review filed by Petitioners Edward Wuyscik, Dennis Wuyscik, Thomas Wuyscik, and Laurie Wuyscik (doc. no. 1) be denied and that judgment be entered in favor of Respondent United States Department of Labor, Division of Energy Employees Occupational Illness Compensation (“DOL”). Petitioners filed Objections to the Report and Recommendation on August 19, 2015. (doc. no.24). DOL responded to said Objections on August 27, 2015. (doc. no. 25). The matter is ripe for disposition.

The District Court must make a *de novo* determination of those portions of the report to which objections are made. 28 U.S.C. § 636(b)(1)(C); *see also Henderson v. Carlson*, 812 F.2d 874, 877 (3d Cir. 1987). This Court may accept, reject, or modify, in whole or in part, the

findings or recommendations made by the magistrate judge. The district court judge may also receive further evidence or recommit the matter to the magistrate judge with instructions.

AND NOW, this 27<sup>th</sup> day of August, 2015, after *de novo* review of Petitioners' Objections, it is hereby ORDERED, ADJUDGED AND DECREED as follows:

The Report and Recommendation (doc. no. 22) is **ADOPTED as the Opinion of the Court.**

The Petition for Judicial Review filed by Petitioners Edward Wuyscik, Dennis Wuyscik, Thomas Wuyscik, and Laurie Wuyscik (doc. no. 1) is **DISMISSED.**

The October 25, 2013 final decision of the Department of Labor is **AFFIRMED.**

The Clerk of Court shall mark this **CASE CLOSED.**

s/ Arthur J. Schwab  
Arthur J. Schwab  
United States District Judge

cc: All Registered ECF Counsel and Parties